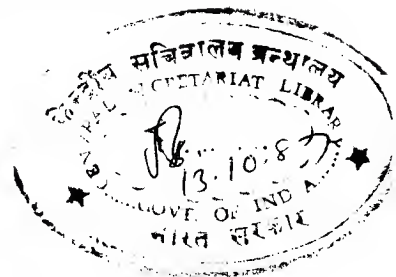




भारत का राजपत्र The Gazette of India



असाधारण
EXTRAORDINARY

भाग II—खण्ड 2
PART II—Section 2

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation

LOK SABHA

The following Bill was introduced in Lok Sabha on the 17th August, 1987:—

BILL No. 78 OF 1987

A Bill to continue the Essential Commodities (Special Provisions) Act, 1981 for a further period.

Be it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows:—

1. This Act may be called the Essential Commodities (Special Provisions) Continuance Act, 1987.

Short title.

18 of 1981. 2. In paragraph 2 of the preamble to the Essential Commodities (Special Provisions) Act, 1981 (hereinafter referred to as the principal Act), for the words "five years", the words "ten years" shall be substituted.

Amendment of preamble.

3. In section 1 of the principal Act, in sub-section (3), for the words "five years", the words "ten years" shall be substituted.

Amendment of section 1.

STATEMENT OF OBJECTS AND REASONS

The Essential Commodities Act, 1955 (1955 Act) provides for regulation of production, supply and pricing of essential commodities. This Act had been amended from time to time to make its provisions more effective.

2. With a view to dealing more effectively with persons indulging in anti-social activities like hoarding and black marketing and the evil of vicious inflationary prices, the Essential Commodities (Special Provisions) Act, 1981, was enacted by Parliament. The said Act made special provisions by way of amendments to the 1955 Act for a temporary period of five years. These provisions related *inter alia* to:—

(i) the trial in a summary way, of all offences under the 1955-Act;

(ii) the constitution, for the purposes of such trial, of Special Courts, consisting of a single Judge who shall be appointed by a High Court and who shall be a person who is qualified to be a Judge of a High Court or who is or has been a Sessions Judge or an Additional Sessions Judge for not less than one year;

(iii) providing minimum mandatory imprisonment for a period of not less than three months for all offences except an offence of abetment in regard to procuring of food stuffs or drugs by persons for their own use or for the use of any member of their family, and not for the purpose of carrying on any business or trade which is punishable with fine only;

(iv) providing for enhancement of the term of imprisonment awardable in case of conviction in a summary trial from one year to two years;

(v) making of all offences under the 1955 Act to be non-bailable;

(vi) providing for stricter provisions for grant of bail and making it obligatory on the part of the Courts to give an opportunity to the prosecution to oppose the bail application.

3. The provisions of the Essential Commodities (Special Provisions) Act, 1981 (18 of 1981), were brought into force on the 1st day of September, 1982, in all the States and Union territories except the States of Arunachal Pradesh and Mizoram and the Union territories of Andaman and Nicobar Islands, Dadra and Nagar Haveli, and Lakshadweep. The said provisions will cease to have effect on the expiry of five years from the said date in all the States and Union territories where they have been brought into force.

4. The reasons for which the above mentioned special provisions were enacted and brought into force still continue to exist. The question of their continuance has, therefore, been considered in consultation with

all the States and Union territories who are of the view that the said provisions have proved very useful and effective and should continue in force. It is, therefore, proposed to continue the provisions of the Essential Commodities (Special Provisions) Act, 1981, for a further period of five years with effect from the 1st day of September, 1987.

5. The Bill seeks to achieve the above object.

NEW DELHI;

The 10th August, 1987.

H. K. L. BHAGAT.

FINANCIAL MEMORANDUM

Clause 3 of the Bill seeks to extend the period of operation of the special provisions made by the Essential Commodities (Special Provisions) Act, 1981, by way of amendments in the Essential Commodities Act, 1955, for a further period of five years with effect from the 1st day of September, 1987. The Special Courts already established under section 12A of the Essential Commodities Act, 1955, will, therefore, continue and other Special Courts may also be established in the next five years. The expenditure on such Courts in the Union territories which do not have their own consolidated funds will have to be met by the Central Government. It is estimated that the recurring expenditure on each Special Court towards salary, allowances and other charges would be about rupees two lakhs per annum and towards non-recurring expenditure about rupees one lakh for the first year, in respect of Union territories which do not have their own consolidated funds.

2. There will be no other recurring or non-recurring expenditure.

SUBHASH C. KASHYAP,
Secretary-General.